

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
S/S Windsor Mill Road, 560 ft.
N/W of Salem Road
7521 Windsor Mill Road
2nd Election District
2nd Councilmanic District
John A. McGuigan Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-546-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the required 10 feet, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 7521 Windsor Mill Road, consisting of 0.265 acres, zoned D.R.5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow an addition to be located in the side yard in lieu of the required rear yard.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations (B.C.Z.R.), and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of July, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the required 10 feet, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the subject addition to be converted to a second dwelling unit and/or apartment.
3. Upon request and reasonable notice, the Petitioner shall permit a representative of the

Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

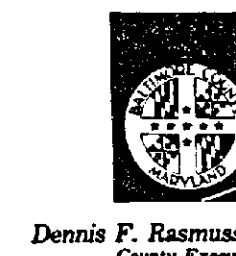
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mmn
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 24, 1990



Mr. and Mrs. John A. McGuigan
7521 Windsor Mill Road
Baltimore, Maryland 21207-2034

RE: Petition for Residential Zoning Variance
Case No. 90-546-A

Dear Mr. and Mrs. McGuigan:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1B02.3.C.1 TO PERMIT A SIDE YARD SETBACK OF 7 FT. IN LIEU OF THE REQUIRED 10 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty)

1. EXISTING DWELLING IS ALREADY 8'1" FROM SIDE PROPERTY LINE.
2. EXISTING DWELLING IS NOT PARALLEL TO SIDE PROPERTY LINE.
3. ESTHETIC CONSIDERATIONS MAKE IT DESIRABLE FOR PROPOSED ADDITION TO BE AN EXTENSION OF EXISTING BUILDING LINE.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and am to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

JOHN A. MCGUIGAN

(Type or Print Name)

Signature

JANE A. BOYER MCGUIGAN

(Type or Print Name)

Signature

Address

7521 WINDSOR MILL RD.

Address

BALTIMORE MD 21207-2034

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

JOHN A. MCGUIGAN

Name

7521 WINDSOR MILL RD 31227 625-3867

Address

WHEREBY the Zoning Commissioner of Baltimore County, this 22nd day of June, 1990, that the subject matter of this petition be posted on the property on or before the 22nd day of June, 1990.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

ZONING DESCRIPTION

As recorded in Deed Liber W.M.I No. 148, folio 335, beginning in the center of Windsor Mill Rd. at the distance of 9 feet 2-3/4 inches South 62 degrees 44 minutes East from the end of the first or North 63-1/2 degrees West perches line, South 62 degrees 44 minutes East 60 feet, South 17 degrees East 42 minutes West 190 feet, North 72 degrees 18 minutes West 59 feet 2 inches and North 72 degrees 42 minutes East 200 feet to the place of beginning. Containing 264/1000 of an acre, more or less. The improvements thereon being known as No. 7521 Windsor Mill Road and located in the second election district.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 2535
2702

Date 6-8-90

John A. McGuigan

7521 Windsor Mill Rd.

Administrative Residential Variance

\$35.00 fee + \$25.00 sign

Total \$60.00

B 021*****60001a 3085F B 021*****2535a 0000F
Cashier Validation: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 2702
2535

Date

6/08/90

PUBLIC HEARING FEES

QTY

PRICE

010 -ZONING VARIANCE (FRL)

1

\$35.00

080 -POSTING SIGNS / ADVERTISING

1

\$25.00

LAST NAME OF OWNER: MCGUIGAN

TOTAL: \$60.00

Cashier Validation:

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd

Date of Posting June 27, 1990

Posted for:

Residential Variance

Petitioner: John A. McGuigan, et ux

Location of property: 7521 Windsor Mill Road, 560' N.W. of Salem Road

Location of Signs: In front of 7521 Windsor Mill Road

Remarks:

Posted by: J. J. Drata

Date of return: June 29, 1990

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 12, 1990



Mr. & Mrs. John A. McGuigan
7521 Windsor Mill Road
Baltimore, MD 21207-2034

RE: CASE NUMBER: 90-546-A
ITEM NUMBER: 436
LOCATION: 7521 Windsor Mill Road

Dear Petitioner:

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number.

Your property will be posted on or before June 26, 1990. After the closing date (July 12, 1990) for filing a request for hearing has passed, the file will be taken to the Zoning Commissioner for review. You will next receive from this office:

- 1) Notice that a formal request for hearing has been filed, taking the matter out of the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice.

OR

- 2) Notice that the matter has completed the administrative process and that you may return the sign/post and pick-up your Order.

Very truly yours,

B. J. Stephens
B. J. Stephens/csc
Owen G. Stephens
Docket Clerk

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

90-546-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 7521
WINDSOR MILL RD., BALTIMORE COUNTY
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

1. EXISTING DWELLING IS ALREADY 6" FROM SIDE PROPERTY LINE.
2. EXISTING DWELLING, BUILT IN 1923, IS NOT PARALLEL TO SIDE PROPERTY LINE.
3. ESTHETIC CONSIDERATIONS MAKE IT DESIRABLE FOR PROPOSED ADDITION TO BE AN EXTENSION OF EXISTING BUILDING LINE.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

John A. McGuigan
Affiant (Handwritten Signature)
JOHN A. MCGUIGAN
Affiant (Printed Name)

Jane A. Beyer McGuigan
Affiant (Handwritten Signature)
JANE A. BEYER MCGUIGAN
Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of JUNE, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared JOHN A. MCGUIGAN & JANE A. BEYER MCGUIGAN

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 7, 1990

Michael S. Flanigan
Notary Public
My Commission Expires: July 1, 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

July 5, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. John A. McGuigan
7521 Windsor Mill Road
Baltimore, MD 21207

RE: Item No. 436, Case No. 90-546-A
Petitioner: John A. McGuigan, et ux
Petition for Residential Variance

Dear Mr. & Mrs. McGuigan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 8th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: John A. McGuigan, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 19, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: John A. McGuigan, Item No. 436

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Townson, Maryland 21204
(801) 887-3554

June 27, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Townson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 221, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUL 3 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Townson, Maryland 21204-5500
(801) 887-4500

Paul H. Reincke
Chief

JUNE 27, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Townson, MD 21204

RE: Property Owner: JOHN A. MCGUIGAN

Location: #7521 WINDSOR MILL ROAD

Item No.: 436 Zoning Agenda: JUNE 26, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Noted and Approved
REVIEWER: Paul H. Reincke 6-27-90
Planning Group
Special Inspection Division

JK/REK

JUL 5 1990

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

June 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C.E.B.

SUBJECT: ZONING ITEM #: 435
PROPERTY OWNER: LEONARD MARTIN, Jr., et ux
LOCATION: N/S Fifth Ave., 177' W centerline Snyder Ave
ELECTION DISTRICT: 12th (#7004 Fifth Ave)
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - NO OPENINGS IN WALLS WITHIN 3' 0 OF INTERIOR LOT LINES PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Mr. and Mrs. Wayne A. Dickie
9 Battersea Bridge Court
Lutherville, Maryland 21093
(301) 821-6937

July 16, 1990

RECEIVED
JUL 18 1990
ZONING OFFICE

Mr. James E. Dyer
Chairman, Zoning Plans Advisory Committee
Office of Planning & Zoning
Townson, Maryland 21204

Re: Item No. 432, Case No. 90-546-A
Petitioner: Wayne Dickie, et ux
Petition for Residential Variance

Dear Mr. Dyer:

I respectfully submit this correspondence as a means of providing information and clarification regarding the aforementioned petition.

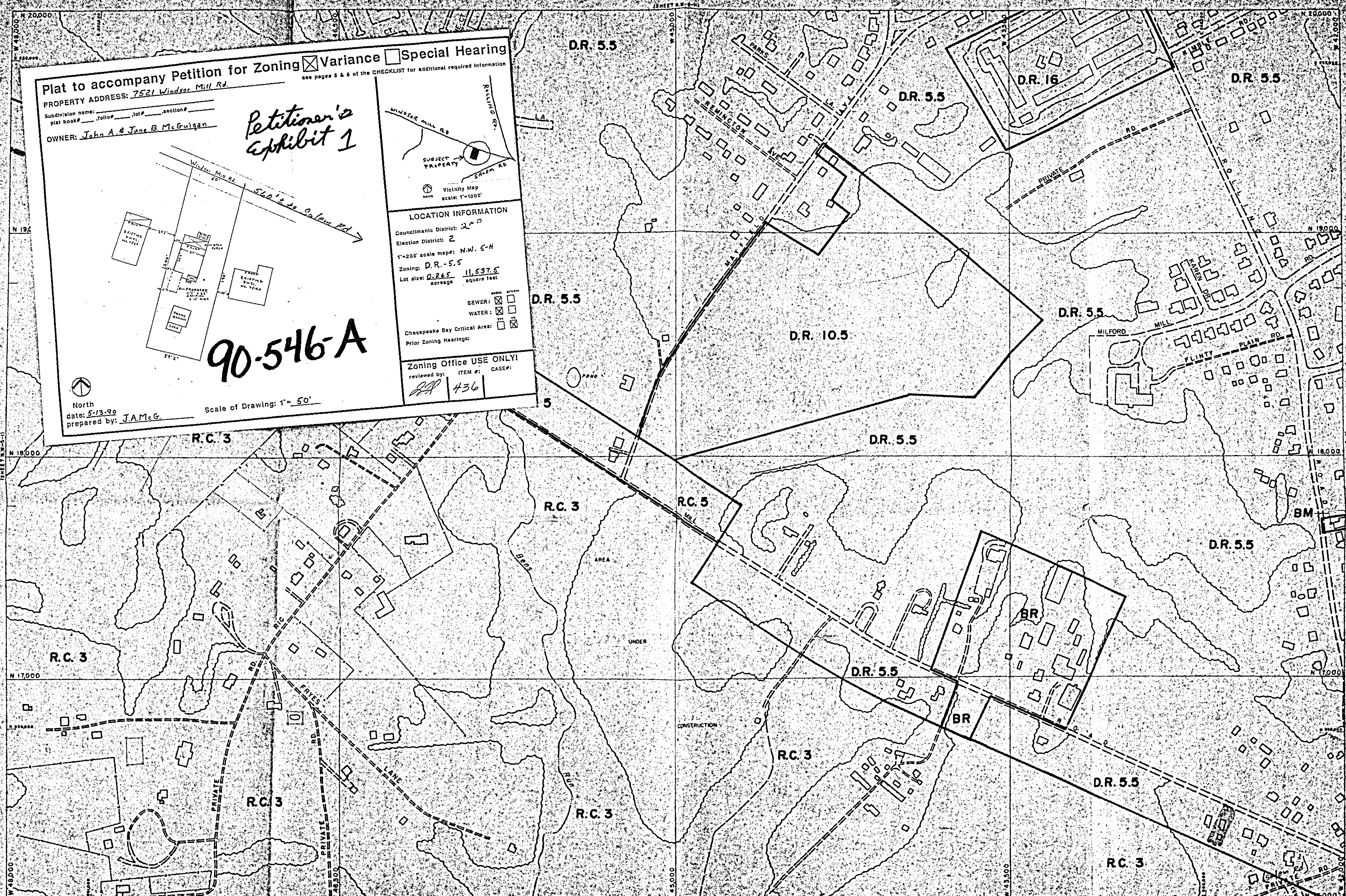
I received the various comments that you forwarded to me. Thank you for providing me with this information. Upon reviewing the comments, one in particular caused me concern. That comment was submitted by Capt. Joseph Kelly of the Planning Group, Special Inspection Division of the Baltimore County Fire Department. He states "the site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. 3 FEET ALONG SIDE PROPERTY LINES SHALL BE PROVIDED FOR FIRE DEPARTMENT ACCESS TO REAR OF BUILDING." It is this last sentence regarding the three foot access way that caused me to investigate the matter further.

I contacted Capt. Kelly to learn more about the Fire Prevention Code and how they affected my proposed improvement - the deck. Capt. Kelly indicated that he was not aware of the particulars of the deck, namely the height above grade. Furthermore, he indicated that his concern centered around the Fire Department's access to the roof of my townhouse, as well as the second floor. I explained that the proposed deck is to be no more than approximately 36 inches above grade at its highest point, and there will be stair step access to the deck surface. This being the case, Capt. Kelly indicated that the proposed deck would be in compliance with the applicable Fire Prevention Code and that the 3 foot access would not be necessary.

I trust that this clarifies the comments made by the Fire Department. If you have any questions you may contact either Capt. Kelly at 887-4500 or myself at 825-4076.

Very truly yours,
Wayne A. Dickie
Wayne A. Dickie
Petitioner

WAD/jag



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 7521 Windsor Mill Rd.

Subdivision name: _____
plat book# _____, folio _____, lot# _____, section# _____

OWNER: John A. & Jane B. McGuigan

Petitioner's Exhibit 1

90-546-A

North
date: 5-13-90
prepared by: J.A.McG.

Scale of Drawing: 1" = 50'

LOCATION INFORMATION
Councilmanic District: 2nd
Election District: 2
1"=200' scale map: N.W. 5-H
Zoning: D.R. - 5.5
Lot size: 0.265 acreage 11,537.5 square feet

SEWER: ☒ WATER: ☒
Chesapeake Bay Critical Area: ☐
Prior Zoning Hearings: ☐

Zoning Office USE ONLY!
reviewed by: _____ ITEM #: 436 CASE#: _____